

N.J.A.C. 7:28-24

NUCLEAR MEDICINE TECHNOLOGY

7:28-24.1 Purpose, scope and applicability

- (a) This subchapter establishes educational and licensure requirements, as well as delineating the scope of practice for persons engaged in the practice of nuclear medicine technology. This subchapter further establishes certain responsibilities of authorized medical users, owners, and registrants of radiation sources used in the practice of nuclear medicine technology. This subchapter also establishes standards for the operation of, and the Department's approval of, educational programs in nuclear medicine technology.
- (b) This subchapter shall not be interpreted as precluding persons specializing in nuclear medicine physics, computer science, or engineering from manipulating data under the supervision of an authorized medical user.
- (c) The following are exempt from the requirement to possess a nuclear medicine technology license:
 - 1. Authorized medical users;
 - 2. Hospital residents, hospital interns or hospital fellows specializing in nuclear medicine, who are under the direction of an authorized medical user;
 - 3. Hospital residents, hospital interns or hospital fellows involved in nuclear medicine procedures but not specializing therein, provided that they are acting under the direct supervision of either an authorized medical user or a licensed nuclear medicine technologist who is under the direction of an authorized medical user;
 - 4. Students enrolled in and attending a school or college of medicine or osteopathy, who are acting within the school's curriculum, provided that students are under the direct supervision of either an authorized medical user or a licensed nuclear medicine technologist who is under the direction of an authorized medical user; and
 - 5. Students enrolled in and attending a school of nuclear medicine technology, who are acting within the school's approved curriculum, provided that such students are identified on the student list filed by the school with the Department, and are acting in a clinical affiliation approved by the Department, upon the recommendation of the Commission, and are under the direct or immediate supervision of either an authorized medical user or a licensed nuclear medicine technologist who is under the direction of an authorized medical user.
- (d) The requirements of this subchapter shall not apply to a licensed radiopharmacy operating within the scope of its Department radioactive materials license, New Jersey Board of Pharmacy license, and Nuclear Regulatory

Commission license.

- (e) The provisions of this subchapter do not apply to the therapeutic use of sealed sources of ionizing radiation.

7:28-24.2 Definitions

- (a) The following words and terms, when used in this subchapter, shall have the following meanings unless the context clearly indicates otherwise.

"Authorized medical user" means, a licensed physician who is identified as an authorized user on a Department radioactive materials license that authorizes the medical use of naturally occurring or accelerator produced radioactive materials or on a Nuclear Regulatory Commission license that authorizes the medical use of by-product materials.

"Diagnostic dose" means a radionuclide or radiopharmaceutical which is intended for diagnostic purposes.

"Direct Supervision" means guidance, direction and instruction by an authorized medical user or licensed nuclear medicine technologist who is personally aware of, and maintains independent professional responsibility for, the procedure intended for a given patient, and is present in the facility and is available for immediate assistance.

"Immediate supervision" means in-room presence for instruction, direction and guidance by an authorized medical user or a licensed nuclear medicine technologist, who is available to assume control of the given procedure.

"Initial Application" means the first application submitted by an individual to the Department for a license to practice nuclear medicine technology.

"Licensed Nuclear Medicine Technologist" (LNMT) means a person who possesses a valid license issued by the Department to engage in the practice of nuclear medicine technology.

"Licensed Physician" means an individual who holds a plenary license to practice medicine issued by the New Jersey State Board of Medical Examiners.

"Practice of Nuclear Medicine Technology" means preparing radiopharmaceuticals for administration to humans, administering radiopharmaceuticals to humans, positioning of patients for examinations which require the administration of radiopharmaceuticals to humans, setting technical factors for examinations which require the administration of radiopharmaceuticals to humans, operating imaging and/or measuring equipment for examinations which require the administration of radiopharmaceuticals to humans, or acquiring and manipulating patient data, other than demographic and clinical data, with or without the use of computers for procedures requiring the administration of radiopharmaceuticals.

"Probationary Approval" means approval which may be awarded by the Department to a school of nuclear medicine technology which is not in full compliance with N.J.A.C. 7:28-24.10 and 11 but which has entered into a written agreement,

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approved by the Commission, to correct the item(s) of non-compliance.

"Provisional Approval" means approval which may be awarded by the Department to a new school of nuclear medicine technology which, upon review by the Commission of an application and self-study document, is found to be in compliance with N.J.A.C. 7:28-24.10 and 11. Provisional approval may be awarded to a new school of nuclear medicine technology prior to an on-site evaluation of its program.

"Radionuclide" means a radioactive element or a radioactive isotope.

"Radiopharmaceutical" means a radionuclide or radionuclide compound designed and prepared for administration to humans.

"Supervision" means guidance and instruction.

"Temporary License" means a license which has been issued by the Department to an individual to act as a nuclear medicine technologist for a limited period of time.

"Therapeutic dose" means a radionuclide or radiopharmaceutical which is intended for therapeutic purposes.

(b) Definitions for other terms used in this subchapter may be found in subchapter 1 of this chapter.

7:28-24.3 General provisions

- (a) No owner, authorized medical user, person or business shall cause, allow or permit any other person to prepare or administer radiopharmaceuticals or to otherwise engage in the practice of nuclear medicine technology or to act as a licensed nuclear medicine technologist unless that other person is an authorized medical user or possesses a current, validly obtained license as a nuclear medicine technologist, pursuant to this subchapter.
- (b) No person shall prepare or administer radiopharmaceuticals or otherwise engage in the practice of nuclear medicine technology or act as a licensed nuclear medicine technologist unless such person is an authorized medical user or possesses a current, validly obtained license as a nuclear medicine technologist, pursuant to this subchapter.
- (c) No person shall use sealed sources composed of radionuclides for purposes of radiotherapy, except for an authorized medical user or a radiation therapy technologist as licensed pursuant to N.J.S.A. 26:2D-24 et seq. and N.J.A.C. 7:28-19.
- (d) No licensed nuclear medicine technologist or other person, except for an authorized medical user, shall:
 - 1. Prescribe, determine the dosage for, or order the administration of any form of radionuclides to a human being; or

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2. Apply, administer, determine the dosage for, or order the administration of therapeutic doses of any form of radionuclides to a human being.
- (e) Subsection (d) above shall not be interpreted as precluding a licensed physician or any other medical professional authorized by their licensing agency from requesting a diagnostic or therapeutic procedure for a human being.
 - (f) Under the direction of a licensed physician, a licensed nuclear medicine technologist may administer pharmaceuticals provided that the New Jersey State Board of Medical Examiners has authorized the administration of the pharmaceutical through the promulgation of rules at N.J.A.C. 13:35 or the adoption of policy. Any inquiry about the authority to administer a specific pharmaceutical should be directed to the Board of Medical Examiners.
 - (g) The owner, the registrant, and the holder of a Federal or State license for radioactive materials shall be jointly and severally responsible for identifying and documenting the identity of an authorized medical user for each administration of that radiopharmaceutical. Such authorized medical user shall be responsible for any administration of such radiopharmaceutical by a licensed nuclear medicine technologist.
 - (h) The authorized medical user, the owner, the registrant, the holder of a Federal or State license for radioactive materials, and the licensed nuclear medicine technologist, shall be jointly and severally responsible for complying with all license conditions including but not limited to recording such information as may be required as a condition of registration or license issued pursuant to this chapter.
 - (i) For each administration of a radiopharmaceutical, the authorized medical user, owner, registrant, and licensed nuclear medicine technologist shall be jointly and severally responsible for recording the following information:
 1. Generic name, trade name, or standard abbreviation of the radiopharmaceutical, its lot number and its expiration date, and the radionuclide;
 2. Patient's or human research subject's name, and identification number if one has been assigned;
 3. Prescribed dosage and activity of the dosage at the time of measurement, or a notation that the total activity is less than 30 microcuries;
 4. Date and time of the measurement;
 5. Date and time of administration;
 6. Initials of the individual who made the record; and
 7. The name of the identified authorized medical user.
 - (j) A licensed nuclear medicine technologist shall carry out the practice of nuclear medicine technology in a manner

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consistent with any applicable State or Federal license conditions.

(k) No person shall:

1. Engage in the use or employment of dishonesty, fraud, deception, misrepresentation, false promise or false pretense while engaged in activities relating to nuclear medicine technology or obtaining a nuclear medicine technology license; or
2. Falsify or make misleading statements on any application for examination or license; or
3. Make misleading or false statements to a representative of the Department or Commission; or
4. Alter any license or examination results; or
5. Fail to comply with any provision of the Act or any rules or regulations promulgated thereunder; or
6. Engage in the practice of nuclear medicine technology while in an intoxicated state or under the influence of narcotics or any drugs which impair or tend to impair consciousness, judgment or behavior; or
7. Engage in negligence, malpractice or incompetence while practicing nuclear medicine technology; or
8. Falsify any records, or destroy or steal property or records, relating to the practice of nuclear medicine technology; or
9. Fail to exercise due regard for safety, life or health while engaged in the practice of nuclear medicine technology; or
10. Violate any condition of a New Jersey radioactive materials license issued pursuant to N.J.A.C. 7:28; or
11. Violate any condition and restriction that the Department has placed on his/her nuclear medicine technology license; or
12. Fail to display immediately his or her nuclear medicine technology license, or a true copy thereof, upon request of the Department, employer or any patient.

(l) Any authorized medical user or licensed nuclear medicine technologist who directly supervises another individual engaging in the practice of nuclear medicine technology shall be personally aware of, and maintain any other legal responsibility for, the procedure intended for a given patient, and shall be present in the facility and available for immediate assistance.

7:28-24.4 Examination for licensure of nuclear medicine technologists

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- (a) Subject to (b) below, the Department shall admit to examination for licensure any applicant who has paid a fee to the Department as specified in N.J.A.C. 7:28-24.8 and submitted satisfactory evidence, verified by oath or affirmation, that the applicant:
1. At the time of application is at least 18 years of age; and
 2. Has successfully completed four years of secondary school or approved equivalent, at a duly accredited educational institution; and
 3. Has successfully completed either a course of study in nuclear medicine technology approved by the Department or an equivalent course of study as determined by the Department, upon the recommendation of the Commission.
- (b) The Department may deny an examination application if the applicant has committed any act or omission specified at N.J.A.C. 7:28-24.9(a).
- (c) An applicant who fails to pass the examination may reapply in accordance with this section.
- (d) Examinations shall be scheduled at the discretion of the Department.

7:28-24.5 Nuclear medicine technologist licenses

- (a) The Department may issue a license to any applicant who is at least 18 years of age and has paid a fee to the Department as specified in N.J.A.C. 7:28-24.8 and who has submitted satisfactory evidence, verified by oath or affirmation, that the applicant:
1. Has within three years of the date of application for a license passed a nuclear medicine technology licensing examination approved by the Commission; or
 2. Has within three years of the date of application passed a nuclear medicine technology examination administered by the American Registry of Radiologic Technologists, Nuclear Medicine Technology Certification Board or American Society of Clinical Pathologists, or another examination approved by the Commission; or
 3. Holds a current certificate, registration, or license as a nuclear medicine technologist issued by another state or country or by any of the organizations named in N.J.A.C. 7:28-24.5(a)2 and has engaged in the practice of nuclear medicine technology for at least 1,000 hours during the preceding three years in a manner consistent with this chapter; however, such acceptance shall be conditioned upon the certification, registration or licensure standards in the other state or country being equivalent and satisfactory to the Commission; or

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4. Has passed, more than three years prior to the application for a license, a nuclear medicine technology examination approved by the Commission, and has legally engaged in the practice of nuclear medicine technology for at least 1,000 hours during the three years preceding the application for a license in a manner consistent with this chapter.

(b) The Department may deny a license application if the applicant has committed any act or omission specified at N.J.A.C. 7:28-24.9(a).

7:28-24.6 Temporary, conditional and restricted licenses

- (a) The Department may issue a temporary license to any person who has graduated from a nuclear medicine technology educational program approved by the Department pursuant to N.J.A.C. 7:28-24.11. A temporary license shall be issued only if the Department finds that its issuance will not violate the purposes of the Act or tend to endanger public health and safety.
- (b) A temporary license shall expire 60 calendar days after the date of graduation. A single 30 calendar day extension may be granted provided that the applicant has taken an approved licensing examination and is awaiting the results of the examination.
- (c) The Department, at its discretion, may issue a conditional or restricted license including, but not limited to, a condition or restriction limiting the scope of practice of a licensed nuclear medicine technologist.
- (d) No person who possesses a conditional or restricted license shall practice outside of the conditions or restrictions as listed on the license.

7:28-24.7 License expiration and license renewal

- (a) No nuclear medicine technologist shall practice without a valid New Jersey nuclear medicine technology license.
- (b) A nuclear medicine technologist shall inform the Department of any change in the address of record within 30 calendar days of the change.
- (c) In order to maintain a valid license, a nuclear medicine technologist shall renew his/her license biennially by submitting a renewal application for a nuclear medicine technology license and the required renewal fee specified in N.J.A.C. 7:28-24.8.
- (d) Each license expires on December 31 of the first even numbered year following the year of its issuance. A license may be renewed for a biennial term commencing January 1 of every odd numbered year and expiring on December 31 of the following year.

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- (e) A nuclear medicine technologist who possesses an expired license may renew the license, provided that the license has not been expired for more than three years. An individual who wishes to renew an expired license shall submit a renewal application and the current renewal fee to the Department. Such licenses shall be renewed for a period extending from date of renewal to midnight, December 31 of the next even numbered year.
- (f) A nuclear medicine technologist who possesses a license which has been expired for more than three years may not have that license renewed, but may apply for a new license through re-examination and other applicable requirements for initial license applications at N.J.A.C. 7:28-24.4 or, if applicable, at N.J.A.C. 7:28-24.5.

7:28-24.8 Fees

- (a) Any person who submits an application for an examination, license, or license renewal to the Department shall include as an integral part of the application a service fee as follows:

- 1. Examination Application Fee: \$75.00
- 2. Initial License Application Fee: \$40.00;
- 3. Biennial License Renewal Fee: \$40.00.

- (b) All fees shall be in the form of a check or money order made payable to the Treasurer, State of New Jersey.

- 1. The fees submitted to the Department are not refundable.
- 2. All examination and initial license applications and associated fees shall be mailed to:

State of New Jersey
Department of Environmental Protection
Bureau of Radiological Health
PO Box 415
Trenton, New Jersey 08625-0415

- 3. All biennial license renewal applications and associated fee shall be mailed to:

State of New Jersey
Department of Treasury
Division of Revenue
PO Box 417
Trenton, New Jersey 08625-0417

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7:28-24.9 Examination application or license application denial, license revocation and suspension

- (a) The Department, in addition to any penalties authorized by the Act, may deny any examination or license application, and may revoke or suspend a nuclear medicine technology license, when the applicant or licensed nuclear medicine technologist has:
1. Violated any of the provisions contained in N.J.A.C. 7:28-24.3(b), (c), (d), (f), (h), (i), (j), (k), or (l), or
 2. Been convicted of, any crime which relates, or could relate, adversely to the practice of nuclear medicine technology. For the purpose of this section, a plea of guilty, non vult, no contest, or any other such disposition of alleged criminal activity shall be deemed a conviction, or
 3. Has been admitted to a pre-trial intervention program or the substantial equivalent thereof based upon alleged conduct which relates, or could relate, adversely to the practice of nuclear medicine technology, or
 4. Has had his/her certification, registration, or license to practice nuclear medicine technology revoked or suspended by any other state or certifying agency for reasons consistent with this chapter, or
 5. Is incapable, for medical or any other good cause, of discharging the functions of a licensee in a manner consistent with the health, safety and welfare of the public.
- (b) Any revocation or suspension issued pursuant to this section shall be in accordance with the following:
1. Revocation or suspension of a nuclear medicine technologist's license shall be initiated by the Department through issuance of a Notice of Revocation or Notice of Suspension. The Notice shall include the findings of the Department upon which the revocation or suspension is based. The Notice shall also include the date upon which the revocation or suspension shall become effective. The Notice may be accompanied by an Order requiring compliance with the Radiation Protection Act, N.J.S.A. 26:2D-1 et seq. or any rule promulgated pursuant thereto. Within 20 days of delivery of the Notice, an individual whose license is to be revoked or suspended may deliver to the Commissioner a written request for an administrative hearing, pursuant to the Administrative Procedure Act, N.J.S.A. 52:14B-1 et seq., to contest such revocation or suspension. The individual's request for an administrative hearing shall include a written statement of all issues of fact or law contained within the Notice which are disputed by the individual.
 2. If the Commissioner determines the matter to be a contested case, he shall refer the matter to the Office of Administrative Law for hearing before an administrative law judge, pursuant to the Administrative Procedure Act. Upon review of the record of the administrative hearing in contested cases the Commissioner may affirm, modify or reject the Initial Decision of the administrative law judge and/or the findings of the Department. If the Commissioner finds that the charges in a contested case have not been proven, he shall order them dismissed. If the Department's findings are found to be true, the Commissioner may, in his discretion, issue an order suspending or revoking the license of the individual. In uncontested cases, the revocation or suspension of the individual's license shall be effective as of the

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date specified in the Notice of Revocation or Notice of Suspension.

- (c) This subchapter shall not in any way affect or abridge the powers of the Department to issue emergency orders pursuant to N.J.S.A. 26:2D-12 or to bring an action in Superior Court, pursuant to N.J.S.A. 26:2D-13).

7:28-24.10 School of nuclear medicine technology: standards for approval

- (a) A school of nuclear medicine technology shall be approved by the Department if:
1. The curriculum includes the following minimum content areas or prerequisites:
 - i. Basic anatomy, physiology, and pathology;
 - ii. Intravenous injections, both direct and peripheral, and other methods shall include but not limited to, into existing urinary catheters (indwelling and other), into existing nasogastric tubes or other gastric or intestinal feeding tubes, into existing central intravenous lines, through existing spinal needles placed into the subarachnoid space;
 - iii. Radiation physics and nuclear medicine physics;
 - iv. Radionuclide chemistry and pharmacology to include adverse reactions to radiopharmaceuticals and other pharmaceuticals used in nuclear medicine;
 - v. Statistics;
 - vi. Nuclear medicine departmental organization and function;
 - vii. Nuclear instrumentation;
 - viii. Radiation biology;
 - ix. Radionuclide therapy;
 - x. Radiation safety and radiation protection standards and codes;
 - xi. Laboratory procedures and techniques;
 - xii. Clinical application of radionuclides, for both diagnostic and therapeutic purposes;
 - xiii. Records and administrative procedures;
 - xiv. Methods of patient care;
 - xv. Medical law and ethics;
 - xvi. Computer applications;
 - xvii. Quality assurance; and
 - xviii. State and Federal regulations
 2. The curriculum includes a valid plan for well-structured competency-based clinical education.
 3. The school of nuclear medicine technology additionally complies with the Essentials and Guidelines of an Accredited Educational Program for the Nuclear Medicine Technologist (1997), which have been jointly adopted, jointly revised and published by the American College of Radiology, American Society of Radiologic Technologists, Society of Nuclear Medicine and Society of Nuclear Medicine - Technologist Section or their successors. These Essentials and Guidelines are incorporated into this rule by reference herein, as amended and supplemented, and may be obtained by contacting the Department.

7:28-24.11 School of nuclear medicine technology: process for approval; provisional approval; probationary approval; withdraw of approval and other general provisions

- (a) The Department, upon the recommendation of the Commission, shall approve a school of nuclear medicine technology if it has been determined that the school has complied with the requirements of this subchapter.
- (b) In order to become an approved school, a school of nuclear medicine technology shall apply to the Department. Along with the application, a school of nuclear medicine technology applying for approval shall also submit to the Department a self-study document which shall include, but is not limited to, information regarding the school's instructional curriculum, faculty, classroom and clinical facilities, student policies and administrative organization. After review of the school's application and self-study document and a determination that the school substantially meets the standards set forth in this subchapter, the Department, upon the recommendation of the Commission, may provisionally approve the school. When the Department has determined that the school is in full compliance with the requirements of this subchapter, full approval may be issued.
- (c) No school of nuclear medicine technology shall enroll students until provisional approval has been received from the Department.
- (d) No school shall hold itself out to be an approved school of nuclear medicine technology until the school is approved by the Department.
- (e) Upon the request of the Department and/or Commission, a school of nuclear medicine technology or its affiliates shall:
 - 1. Demonstrate, to the satisfaction of the Department and/or Commission, that it complies with the requirements of this subchapter;
 - 2. Permit an appointee of the Commission and/or an employee of the Department to conduct a site inspection. The Department, upon the recommendation of the Commission, may accept a site inspection or accreditation by a national accreditation agency recognized by the Commission; and
 - 3. Make available to the Department and/or Commission such information or records as the Department or Commission, or their representatives, shall request.
- (f) The Department, upon the recommendation of the Commission, may reduce the status of a school of nuclear medicine technology's approval to probationary approval for failure to comply with the provisions contained in this subchapter. A school on probationary approval shall:
 - 1. Within a period of time determined by the Department, correct all specified deficiencies contained in a written agreement approved by the Department as recommended by the Commission; and

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2. Within 15 calendar days of receipt of notification, notify all enrolled students and all applicants via certified mail of the school's probationary approval status; and
3. Within 15 calendar days of receipt of notification, submit to the Department a copy of the probationary notice supplied to students.

(g) Any school of nuclear medicine technology subject to this subchapter shall:

1. Prepare and maintain a current and accurate written course syllabus for each content area delineated in N.J.A.C. 7:28-24.10(a). These documents shall include, but are not limited to: lesson plans, learning objectives, classroom schedules, and the student evaluation instruments. These documents shall be on file at the school and shall be produced for review by the Department or its representative during an inspection and shall be submitted to the Department upon request.
2. Issue to each candidate prior to admission a course catalog, bulletin, or other written statement which shall be currently dated and include a description of the curriculum as a whole, course descriptions, and information concerning amounts and terms for payment of any tuition or other fees or expenses to be incurred. The information contained in these documents shall accurately reflect the program being offered.
3. Report in writing to the Department, within 30 calendar days of any student's matriculation date, the name and address of each new student enrolled and, within 30 calendar days of any student's completion date, the name and address of each student who has successfully completed the course of study.
4. Assign students only to clinical affiliates which have been approved by the Department, upon the recommendation of the Commission.
5. Ensure that, while assigned to clinical education, students shall have on their person visible identification name badges which indicate that they are student nuclear medicine technologists.
6. Have and adhere to an educational plan for clinical assignments with clinical objectives relating to the practice of nuclear medicine technology. Students shall not take the responsibility or the place of licensed nuclear medicine technologists.
7. Ensure that prior to a student's demonstration of clinical competency in a given nuclear medicine technology activity that the activity is performed with immediate supervision. After clinical competency in the activity has been determined, the activity may be performed under direct supervision.
8. Ensure that radiation monitoring devices are worn by students, while assigned to any controlled area.
9. Ensure that all students are provided with whole body and finger radiation monitoring devices, during their period of attendance. Student exposure to radiation shall not exceed the occupational limits prescribed in

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N.J.A.C. 7:28. Within 30 days of the school's receipt of the radiation dosimetry report, the school shall inform all students of their most recent exposure readings. In the event that a student receives a high exposure reading, the school shall begin an investigation within 14 days of the school's receipt of a high exposure reading to find the cause and prevent recurrence of exposure which is deemed to be unnecessary. The results of this investigation and any action taken by the school shall be maintained in the student's file. Within 90 calendar days of departure from the school, students shall be provided with a record of their exposure history.

10. Inform the Department within 30 calendar days of any change that could adversely affect the program's ability to fulfill its commitment to students or has altered how the program operates since its last review and approval by the Department. Such changes include but are not limited to: a change in any program official or faculty member, curriculum, loss of a clinical affiliate, the sequencing of courses, length of the program, sponsorship of the program.
 11. Continue to comply with all standards for approval in N.J.A.C. 7:28-24.10.
- (h) A school of nuclear medicine technology may have its approval, provisional approval and/or probationary approval denied or withdrawn by the Department, upon the recommendation of the Commission, for failure to continue to comply with all provisions of this subchapter.
 - (i) The Department shall notify a school of nuclear medicine technology, by certified mail, of any violation or deficiency resulting in denial, withdraw, or withholding of approval or a change in approval status.
 - (j) The effective date of any notice issued pursuant to N.J.A.C. 7:28-24.11(f) or (h) shall be 20 days following receipt of the Department's notice, unless otherwise stated in the notice.
 - (k) A school of nuclear medicine technology's approval may be terminated if the school does not have any students enrolled for a period of two successive years.
 - (l) A school of nuclear medicine technology whose approval has been terminated or has been withdrawn may apply for approval as a new school of nuclear medicine technology as provided at N.J.A.C. 7:28-24.11.

7:28-24.12 List of approved schools

A list of approved schools of nuclear medicine technology and their approval status shall be available from the Department, and may be obtained by contacting the Department. (See N.J.A.C. 7:28-24.8(b) 2 for the Department's address)